

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
vs.) 04-30044-MAP
)
KACEY JONES)

MOTION TO EXCUSE AND ALLOW LATE FILING

Now comes the defendant and respectfully requests this Honorable Court allow his late filing of a motion to suppress. As grounds for this request the defendant states the motion has been prepared, however, the affidavit which must accompany the motion, signed by the defendant, is not ready to be filed.

Counsel states the reason for the delay is defendant's housing being changed several times. The defendant had originally been housed at the Hampden County House of Correction, was transferred to the Franklin County House of Correction, however, all mail sent to defendant has been returned from Franklin County. A check with the Marshall's Service indicates the defendant was moved from Franklin County to a Massachusetts State Prison in Shirley, MA. as a result of a State sentence. Counsel has directed all mail including an affidavit which must be signed by the defendant to his new location.

Counsel expects all paperwork to be filed by August 16, 2005.

THE DEFENDANT

BY: 
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CERTIFICATE OF SERVICE

I, Mark G. Mastroianni, Esq., do hereby certify that I have served a copy of the foregoing to the Assistant United States Attorney, Paul Smyth, Esq., United States District Court, 1550

to the Assistant United States Attorney, Paul Smyth, Esq., United States District Court, 1550 Main Street, Springfield, MA. 01103 this 8th Day of August, 2005.


Mark G. Mastroianni